

DOCKET NO. 250-SE-0425

**STUDENT., B/N/F
PARENT.**

Petitioner

v.

**EANES INDEPENDENT SCHOOL
DISTRICT,**

Respondent

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BEFORE A SPECIAL EDUCATION

HEARING OFFICER FOR

THE STATE OF TEXAS

DECISION OF THE HEARING OFFICER

Student, by next friend Parent (collectively, Petitioner), brings this action against Eanes Independent School District (Respondent or the District) under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. S 1400 et seq., and its implementing state and federal regulations. The case concerns denial of a free appropriate public education (FAPE) and procedural violations. The Hearing Officer finds the District denied Student FAPE in 2023–24 and 2024–25 by failing to provide needed services to support social opportunities and peer interaction; denied FAPE from August through September 3, 2024 by changing placement from synchronous remote instruction with 1:1 support to asynchronous instruction; committed a procedural violation by not considering the August 2024 IEE when developing the 2024–25 IEP, significantly impeding parental participation and resulting in inadequate social-communication programming; and committed a procedural violation by failing to provide transition planning, limiting parental participation and depriving Student of necessary transition preparation despite academic success.

I. Procedural History

Petitioner, Student b/n/f Parent (Student or collectively Petitioner), filed a request for an impartial due process hearing (Complaint) under the Individuals with Disabilities Education Act (IDEA) on April 16, 2025, with Notice of the Complaint issued by the Texas Education Agency (TEA) on the same date. The Respondent to the Complaint is Eanes Independent School District (Respondent or District). On April 25, 2025, the District filed its Response to the Complaint. On May 19, 2025, the prehearing conference was held. On May 20, 2025, Petitioner filed an Emergency Motion to Impose Stay Put. On May 21, 2025, the Parties filed a Joint Motion for Continuance of the Hearing Date and Extension of the Decision Due Date. On May 22, 2025, an Order was issued granting the continuance. On May 22, 2025, Respondent filed its Motion for Issuance of Subpoena Duces Tecum and Qualified Protective Order. On May 23, 2025, Respondent filed the District's Response to Petitioner's Emergency Motion to Impose Stay Put. On May 27, 2025, Petitioner filed its Response and Objection to Respondent's Motion for Issuance of Subpoena. On May 28, 2025, an Order was issued granting Respondent's subpoena request. On May 29, 2025, Petitioner filed a Reply to Respondent's Response to Petitioner's Emergency Motion to Impose Stay Put. On May 30, 2025, an Order granting stay-put was issued. On June 6, 2025, the Parties filed a Joint Motion to conduct the hearing via videoconference, and Respondent filed an Opposed Motion for Continuance and Extension of the Decision Due Date. Petitioner joined the continuance on June 8, 2025. On June 9, 2025, an Order was issued granting both motions with a Second Revised Scheduling Order. On June 18, 2025, Petitioner filed a Motion to Enforce the Stay-Put Order, and Respondent requested leave to respond. Petitioner does not oppose

Respondent's request to respond and requested an opportunity to reply. On June 20, 2025, an Order issued Granting permission for Respondent to respond and Petitioner to reply. On June 25, 2025, Respondent filed its response. On June 27, Petitioner filed its reply. On July 2, 2025, Order 7 issued clarifying the Stay-Put Order.

On July 17, 2025, Petitioner filed leave to file another motion for enforcement of stay-put and Respondent had an opportunity to reply. On July 23, 2025, Petitioner renewed its request. On July 28, 2025, Order 8 issued denying leave to file a second request for enforcement of stay-put. On August 5, 2025, Petitioner requested reconsideration. On August 6, 2025, Respondent asserted that it would follow Orders related to the stay-put.

On August 7, 2025, the Hearing Officer requested a status report on compliance with the stay-put order. On August 14, 2025, each Party submitted a status report. On August 21, 2025, Petitioner provided an updated status report, stating Respondent has still not offered any classes for purposes of stay-put. On August 22, 2025, a Second Order Clarifying Stay-Put issued.

On October 10, 2025, Petitioner filed a Motion for Continuance of the first day of hearing due to a scheduling conflict. On October 13, 2025, Respondent filed its opposition to the Motion for Continuance. The Motion was denied. On the same day, Respondent filed a Motion for Reconsideration. On October 14, 2025, an Order issued granting the reconsideration and continuance. On November 3, 2025, the Parties filed a Joint Motion for Continuance of the post hearing briefs set for November 7, 2025, and the decision due date of November 28, 2025, because of a delay in receiving the

transcripts. On November 5, 2025, the Joint Motion for Continuance was granted and a third revised scheduling order issued.

II. Due Process Hearing

The in-person due process hearing convened on October ***2025. The hearing was recorded and transcribed by a certified court reporter. Petitioner was represented by Mark Whitburn with Whitburn & Pevsner, PLLC. Respondent was represented by Erik Nichols with Spalding Nichols Lamp Langlois Law Firm. The District's Director of Special Education and the Assistant Director of Special Education were the District's party representatives.

The Parties offered Joint Exhibits J1-18 into evidence, which were admitted into evidence without objection. Petitioner offered Exhibits P1, P3-5, P7, P8:26-30, P9:1-4, P9:11, P9:20, P9:22-26, P9:27, P10:1-4, P10:18-21, P10:25, P10:26, P10:41-42, P10:45, P10:46, P10:47-50, P10:54-71, P10:126, P11:3, P17, P18, P19, and P20, which were admitted into evidence. Respondent offered Exhibits R1-6, R9-10, R18-20, R22, and R25-27, which were admitted into evidence without objection.

The Parties submitted timely post-hearing briefs. The Decision of the Hearing Officer is due on December 5, 2025.

III. Issues

A. Petitioner's Claims

The Petitioner confirmed the issue(s) for hearing:

1. Whether Respondent denied the Student a free, appropriate public education (FAPE) by:
 - a. unilaterally changing Student placement from synchronous remote learning with 1:1 support to an asynchronous, self-directed model without parental consent or an ARD committee decision;

- b. failing to provide necessary supports and services (e.g., social opportunities, executive functioning support, peer interaction) that are essential to Petitioner's unique needs; and
 - c. failing to implement the May 2023 IEP during the 2024-2025 school year.
- 2. Whether Respondent committed a procedural violation by failing to consider the results and recommendations of Independent Educational Evaluations (IEEs) in developing the student's Individualized Education Program(IEP);
- 3. Whether Respondent failed to provide appropriate transition planning and services for the student;
- 4. Whether Respondent's actions interfere with the Parent's ability to meaningfully participate in the IEP process by:
 - a. inviting the *** to ARD meetings and
 - b. disregarding her requests related to ARD attendance and placement

B. Requested Relief

Petitioner stated that the relief sought included:

- 1. Continued provision of instruction and services through synchronous online instruction;
- 2. Compensatory education of a character and the amount to be determined by Petitioner's private experts and evaluators;
- 3. Development of an appropriate IEP which includes the provision of appropriate social skills and transition services and skills, including, but not limited to, services and skills in the areas of executive functioning, social skills, organization, and self-advocacy;
- 4. A collaborative environment in ARD meetings, including abiding by the requests of Petitioner's Parent not to invite Petitioner's *** to such meetings;
- 5. Appropriate communication with Petitioner's Parent and the cessation of any imposition of a retaliatory "communication plan" designed to limit parentability to engage in appropriate and meaningful communications with applicable personnel; and
- 6. Any other relief deemed equitable and appropriate by the Hearing Officer and/or recommended by Petitioner's private experts and evaluators.

C. Respondent's Legal Position

Respondent maintains it complied with IDEA and provided Student FAPE at all relevant times. The District asserts the 2023 and 2024 IEPs were appropriate, reasonably calculated for progress, and tailored to Student's needs. Respondent denies any

procedural or substantive violations, arguing Student made academic and non-academic progress as shown through grades, IEP reports, and teacher feedback. The District contends services and placement were appropriate through a combination of special education supports, *** services, and general-education access, and that any lack of progress stemmed from Student's limited engagement, parental restrictions, and the nature of the disability.

Respondent asserts it convened ARDs, reviewed data, considered parent input, and implemented a structured program aligned to assessments. It argues that IEEs were considered but need not be adopted in full, and that parent participation was not impeded, as meetings were timely, attended, and inclusive. Finally, Respondent contends any procedural irregularities were harmless and did not impede FAPE or parental participation and therefore asks that all requested relief be denied.

IV. Resolution Session

A mediation was held on May***, 2025, in lieu of a resolution session. The Parties did not resolve the matter.

V. Findings of Fact

Student Background and Educational History

1. Student is an ***-old ***¹ in the District.
2. The Student has attended *** grade and has historically received high grades. J2:3-4.
3. Student has a *** condition and has been served in a homebound placement since 2020-2021 school year due to medical needs. Tr. Vol. 2:53:25-54:10-11.
4. Student qualifies for special education services under the eligibility category of Other Health Impairment (OHI). J Ex. 1; J Ex. 4-1,4.
5. Prior to COVID, Student attended classes remotely during the cold/flu season. J Ex. 1-4; Tr. Vol. 2:53:24-25.

¹ Student was a ***r when the initial due process complaint was filed. During this proceeding the Student ***is not contested. Currently, the Student is attending school under a stay-put order until the Decision issues.

6. Student lives with Student's Parent and visits Parent every other weekend, modifying the schedule during COVID because Student was not leaving Student's Parent's home. During the COVID pandemic, Student received homebound services due to medical condition. Tr. Vol. 2:552:22-23; 2:154:15-25; J Ex. 1-4.
7. The June 2021 IEE report noted Student had a mild attention and moderate executive functioning impairment and has difficulties with reciprocal social communication. P1:9, 15.
8. Based on limited opportunities for Student to engage with peers socially through school, a re-assessment in social reciprocity was recommended after more opportunity to be with peers either through school or outside therapy opportunities. P1:16
9. A February 15, 2022 Speech and Language assessment identified minor pragmatic language weaknesses and recommended increased peer interaction, structured group-work opportunities, and practice with nonverbal communication skills. P3:9,11.

Full and Individual Evaluation December *, 2022**

10. In the Student's *** grade year, Student's Parent requested an evaluation due to concerns regarding possible Autism. J1:1.
11. The December 16, 2022 Full and Individual Evaluation (FIE) reported that Student demonstrated *** general cognitive ability, with *** strength in Verbal Comprehension (*** range) and *** Working Memory. J1:28.
12. Forms from teachers and parent noted concerns regarding executive functioning, including working memory, planning, organization, initiating tasks, sustaining task engagement, and checking work. J1:27, 29.
13. BASC-3 Adaptive Skills Composite ratings based on parent and teacher forms showed at-risk to clinically significant weaknesses across adaptability, social skills, functional communication, and study skills. J1:29.
14. The evaluation identified multiple assistive technology supports already in use, including:
 - Spelling assistance (word processor, spell check)
 - Speech-to-text for longer writing tasks
 - Graphic organizers
 - Typed responses
 - ***
 - Study/organizational apps
 - Calculator
 - ***J1:29.
15. Student's Parent expressed that although the IEP addressed executive-functioning needs, it failed to address the Student's social skill deficits, and Parent believed the *** input influenced the discussion in a way that misrepresented the Student's needs. Tr. Vol. 2:51:17-21.

May 2023 ARD Amendment

16. On May***, 2023, the ARD committee developed an IEP Amendment for the Student, with services beginning May ***, 2023. J3:1.
17. The IEP required remote synchronous online homebound instruction for all academic classes listed in the schedule. J3:3.
18. Student was scheduled to receive *** minutes of special education instructional time. J3:3.
19. The IEP required the provision of 1:1 instructional support in core academic courses, including***, and electives, and direct teacher interaction during synchronous instruction. J3:3.
20. The IEP addressed Student's need for social opportunities and peer interaction by providing that the Student would be able to view, hear, and interact with peers through remote access to live classroom instruction, to the extent practicable. J3:5.
21. The IEP included executive-functioning supports, including daily check-ins and check-outs, direct work guidance, chunking of assignments, frequent checks for understanding, scheduled checkpoints, organizational tools, and visual supports. J3:3-5.
22. The IEP included academic accommodations, including modified assessments, one test per day, paper-based assessments when possible, extended wait time, modified grading procedures, completed notes, weekly hard copies of materials, and use of supplemental aids. J3:3-5.
23. The IEP included parent check-ins every three weeks and weekly availability of printed materials for the parent to pick up which Student's Parent handled. J3:4
24. Parent Parent and ***t participated in the amendment process. J3:7, 11.
25. For 2023-2024, the IEP showed that the Student participated in the pre-ARD process by completing a Transition Planning Questionnaire (TPQ) and having conversations with the case manager. J4-35.
26. The case manager reviewed the Student and parent *** had been completed for 2021-2022 and 2022-2023. J4:35.
27. The ARD committee mutually agreed to the amendment, and prior written notice was waived. J3:7.
28. The deliberations record states the purpose of the amendment was to update accommodations and plan for ESY services, with parental approval documented on June ***, 2023. J3:9.

Implementation Between May 26, 2023 and the End of the 2022–2023 School Year

29. The record contains no evidence that the District changed or deviated from the Student's homebound synchronous placement during the remainder of the 2022–2023 school year.
30. No witness testified that the District failed to provide synchronous online homebound instruction at any time during this period.

31. No evidence was presented showing that 1:1 support required in the IEP was not provided during this time.
32. There is no evidence indicating that the Student lacked remote access to peers during this period.
33. The record contains no evidence of failures to provide executive function, self-advocacy, and organization supports during this period.

ARD August 30, 2023

34. On August***, 2023, the ARD Committee convened for the Student's Annual ARD. J4:1.
35. The ARD Committee felt synchronous remote learning was necessary for FAPE, consisting of live instruction with the in-person classroom via Zoom to facilitate interaction with peers, teachers, and staff. J4:7, 10, 17, 21; Tr. Vol. 1:42:24-43:2.
36. August 2023 ARD resulted in the last agreed IEP, confirming homebound placement and synchronous remote virtual instruction with 1:1 support in general education classes, 1:1 special education support in ***, and shortened day through August 29, 2024, as necessary for Student to receive FAPE. J4:4-21; Tr. Vol. 1:45:20-46:15, 1:47:1-48; 1:62:16-63, 1:191:5-192:4.
37. The ARD determined that the Student requires executive-functioning and social-skills support, noting needs in organization, initiation of tasks, managing transitions, self-monitoring, self-advocacy, and asking for help. The ARD further found that the Student benefits from verbal modeling, prompting, cueing, reminders, visual supports, structured routines, consistent adult support, and predictable expectations to access instruction and complete tasks. J4:5. 34.
38. The ARD included academic and instructional accommodations that functionally support executive functioning, including chunking assignments, scheduled checkpoints, modified assignments, visual aids, and adult-guided task completion. J4:7-12.
39. The annual goals identified several executive functioning goals, including maintaining an organized system, using a calendar or planner, demonstrating self-advocacy skills, breaking assignments into parts, and following multi-step directions. J5.
40. *** course focused on executive functioning, self-advocacy, self-management, awareness, and transition planning. Tr. Vol. 1:57:11-17,19-20, 23-24.
41. *** course also covered transition planning, including executive skills,***. Tr. Vol. 1: 58:1-2; Tr. Vol. 1:179:19-22.
42. The special education teacher assisted Student complete transition planning questionnaires at least once a year to help plan the IEP for progress toward the goal. Tr. Vol. 1:203:23-204:1.
43. Student's Parent and Parent were sent the *** twice before the ARD and both parents provided responses. J4:35.
44. The ARD noted that the Student's homebound placement limits interaction with typically developing peers and required the IEP to provide access to peer engagement through synchronous classroom participation, including group work,

teacher-facilitated introductions, and opportunities to participate alongside general education peers. J4:4, 10, 17.

45. Within several weeks of interacting with Student in August 2023, Student's case manager noted that Student required extensive paperwork and needs and required 1:1 support in *** class which was unusually and limited peer interaction. Tr. Vol. 1:185:11-16; Tr. Vol. 1:172:24-173:3.
46. No direct peer-interaction goals and objectives targeting social engagement with peers appear in Student's goals. J5.

Implementation During the 2023-2024 School Year

47. Student received synchronous instructions during the 2023-2024 school year. J2:3.
48. IEP progress reports for 2023–2024 reflect documented progress toward goals in self-advocacy, organization, and academic content areas. J8:1-3, as evidenced by quarterly progress reports documenting practice and growth in organization, calendar use, and self-advocacy. J8; J9; J10; Tr. Vol. 1:178:17-20.
49. *** is typically not a 1-on-1 class but it was for Student due to health concern; thus there were few opportunities for peer interaction working in groups and participating in clubs and events such as ***. Tr. Vol. 1:184:2; 1:87:17, 19; 1:88:4; 1:105:1-4; J7:9.
50. In the 2023-2024 school year, the Student filled out transition planning questionnaire, assisted by the case manager in***. Tr. Vol. 1:204:11-12; R3.
51. At the August 2023 ARD, the committee discussed transition goals. J4:35.
52. The Student participated via Zoom with a 1:1 instructional assistant managing access, monitoring the technology, and facilitating communication between the Student and classroom teachers. Tr. Vol. 1:104:8-17; 1:105:9-11; 1:187:16-20; 1:188:5-25; 1:189:1-3.
53. Staff members assistant were in core classes where the Student was positioned “in a room with other students ... sitting in groups of four,” experiencing classroom noise and conversations, consistent with synchronous participation. Tr. Vol. 1:188:9-190:3.
54. District paired Student with teachers who were agreeable with student on Zoom and with students who wouldn't bully Student. Tr. Vol. 2:57-58.
55. During the 2023-2024 school year, the District tried a couple of times to arrange social interactions, but with limited success. Tr. 2:60:3-62:12.

Summer 2024 and Change in Placement at Start of 2024–2025 School Year

56. The district began communicated with Student's Parent in the late May 2024 regarding Student's ESY and next year schedule. P8:26-30.
57. Student's Parent expressed concern about the lack of robust goals in the areas of executive functioning. As well, parent expressed parent disagreement that Student made any progress in the areas of executive functioning, self-advocacy, and social skills. P8:26

58. In early August, the District internally discussed changing the Student's placement to ***, an asynchronous on-demand virtual program with two *** classes through synchronous remote virtual instruction, for the 2024–2025 school year. Tr. Vol. 1:60:2-62:1-9; 65:16-25; 66:1-8; 67:25; 73:21-23; P9:2.
59. Although the District acknowledged that Student had made progress with issues related to the remote synchronous learning. Tr. 1:69:20-71:2, 1:83:23-84:15; Tr. Vol. 1:204:22-207:9, it chose *** for transition planning because it aligned with the type of platform the Student would likely be expected to use at the next educational level and because the Student had difficulty accessing the curriculum through remote synchronous instruction, including issues with internet reliability, class timing, and Zoom functionality raised by the Student's Parent. Tr. Vol. 1:64:24-69:19, 1:67:1-9; 69:14; 93:2-17; 1:73:7-23, 1:83:23-84:15, Tr. Vol. 1:151:13-153:8; Tr. Vol. 1:194:1-4, 8; 195:12-22; 196:1-12.
60. The Student's case manager was informed of the District's decision to change Student's from synchronous to asynchronous and drafted the paperwork. Tr. Vol. 1:192:2-195:3.
61. The case manager expressed concerns that Student would not have notice and it may be more beneficial to introduce gradually for working towards independence. Tr. 1:195:4-197:4.
62. On August 2, 2025, the special education director informed Student's Parent that until they had the annual ARD, Student would start school accessing *** for courses and use remote synchronous for *** classes with a special education teacher. Tr. Vol. 1:60; PE 9:2.
63. The applicable IEP was from the August 2023 ARD that provided synchronous remote virtual instruction. J4-10; Tr. Vol. 1:62:16-63:10.
64. The *** program was entirely self-directed, provided no access to peers, and Student generally only interacted with Student case manager. Tr. Vol. 1:60:25-61:17; Tr. Vol. 1:171:10-173:3, 1:183:20-184:7, 1:185:17-25; Tr. Vol. 2:16:11-23.
65. On August *** 2024, an ARD meeting was conducted and the Student's Parent disagreed with the hybrid synchronous/asynchronous schedule.²
66. On August 14, 2024, Student commenced the 2024-2025 school year using ***. R26; Tr. Vol. 1:158:2-159:9.
67. At some point that summer, the Student was referred by the District for an Independent Educational Neuropsychological Evaluation to determine Student current neurocognitive strengths and weaknesses and to guide educational planning. (JX2 p.1).
68. For the IEE an evaluator requested to observe the Student, but the District denied the opportunity to observe during the summer months.
69. On August 22, 2024, the evaluator was eventually permitted to observe via Zoom only after the Student had been placed in the asynchronous program. J2:4.

August *, 2024 ARD**

² A due process complaint was filed on August 19, 2024; "stay-put" and a Rule 11 returned Noah to full synchronous homebound around September 3, 2024.

70. All members attended virtually, including the parent (Parent), Special Education teacher (*** General Education teachers (***), LEA representatives (***), and***.
71. The ARD Committee considered the December ***, 2022 Full Individual Evaluation, the 2021 intellectual IEE, the 2022 speech IEE, teacher/parent reports, observations, and data but did not discuss the August 2024 IEE. J6.
72. Teachers and Student's Parent expressed they would like to see Student engage in the classroom and communicate with other peers more effectively. J6:8; Tr. Vol. 1:80:7-16.
73. The goals for the 2024-2025 School year were communication skills/self-advocacy, organization, and time-management. J6:9.
74. The August 2024 IEP discussed transition services and goals, noting that self-advocacy, time management, and organization would help development employment and post-school adult living skills. J6:24-26.
75. The Student expressed having a ***experience,***. J6:26.
76. For the 2024-2025 school year, due to the change in learning platform and other assignments, the Student had not completed the transition planning questionnaire as of March 2025. Tr. Vol. 1:224:24-225:1; J7:12; R4.
77. Student resumed synchronous remote instruction around September 3, 2024, after approximately three weeks in the asynchronous placement. P9-11.
78. During the period of asynchronous instruction, the District did not implement mechanisms to facilitate peer interaction. Tr. Vol. 1:199:12
79. During the period of asynchronous instruction, case manager assisted Student with creating a daily schedule reflective of the school day and with time management. Tr. Vol. 1:201:8-12.

Independent Educational Evaluation (IEE)

80. On September ***, 2024, Student resumed synchronous remote virtual instruction. P9-11; Tr. 1:76:10-77:11, 1:78:17-79:9.
81. On September ***, 2024, due to Student returning to the synchronous format, another observation was conducted, noting that Student remained on camera, the special education teacher moved the camera so Student could see some of the students, and the special education teacher asked Student if Student wanted to respond to questions posed by the general education teacher. J2:5.
82. On September ***, 2025, the findings and recommendations were scheduled to be shared with the District; however, the discussion did not occur until the January ***, 2025 ARD. J2:16.
83. The evaluation consisted of cognitive, academic, memory, motor, executive functioning, social-emotional, and adaptive assessments, alongside record review, interviews, and classroom observations. J2:1.
84. The report dated August ***, 2024, noted that the Student experienced sensory sensitivities, restricted interests, and rigid behaviors requiring significant scaffolding for routine changes. J2:2-3.
85. The Student exhibited anxiety, depression, social avoidance, and fear of novel social situations, which impact school functioning. J2:3.

86. The Student has been in ongoing counseling for four years, which Student finds helpful. J2:3.
87. Student's Parent reported, and evaluators confirmed, that Student struggled significantly with the asynchronous program. Student expressed unhappiness, frustration, and refusal to engage, often failing to complete work independently. Jan 2025
88. The change in placement resulted in emotional deterioration, including withdrawal from school, feelings of depression, and loss of previously strong motivation to learn.
89. During the *** observation, the Student did not work independently on the online program, despite a pre-structured schedule created with staff. J2:4–5.
90. The Student expressed unhappiness and frustration with the online asynchronous program, which was reported as new for Student. J2:4–5.
91. The Student's teacher reported Student has significant difficulty with time management and task initiation, which are major barriers to success in self-paced instruction. J2: 4–5.
92. When asked about opportunities for peer interaction in the asynchronous setting, the teacher stated “there would not be any opportunities” under the current setup. J:2:5; Tr. Vol. 1:199:7-12.
93. During synchronous instruction, the Student appeared to listen, comply with instructions, and take notes but did not engage with peers or the general education teacher. J2:5.
94. The Student declined to answer a teacher question and did not respond in the Zoom chat when prompted by the special educator. J2:5.
95. The Student demonstrated average to high-average verbal comprehension, spelling, math fluency, and reading comprehension, but significantly lower visuospatial, processing speed, and executive functioning abilities. J2:6–9.
96. The Student showed significant executive functioning deficits, including planning, shifting attention, organization, initiating tasks, and working memory, as reflected in BRIEF-2 parent and teacher reports. J2:10.
97. The Student exhibited clinically significant social communication and social motivation deficits, including limited reciprocity, social withdrawal, and difficulty reading social cues, with SRS-2 parent total score = 83 (severe range). J2:11.
98. Adaptive functioning scores were extremely low across parent and teacher reports (GAC: 49–73), indicating global deficits in independent functioning. J2:7.
99. The Student met criteria for Persistent Depressive Disorder (Dysthymia) and Generalized Anxiety Disorder (GAD) based on clinical interview and rating scales. J2:12–13.
100. Neuropsychological data indicate regression on measures of reasoning, processing speed, and executive functioning, consistent with medical impact and internalizing symptoms. J2:14.
101. The neuropsychologist concluded that asynchronous, self-paced programs are inappropriate because the Student cannot initiate and complete tasks independently due to executive dysfunction and anxiety. J2:13–14.

102. The neuropsychologist strongly recommended live synchronous instruction, stating the Student “desperately needs social opportunities and peer interactions,” which the synchronous environment supports. J2:14.
103. The IEE emphasized that peer interaction opportunities must be scaffolded due to anxiety, rigidity, and difficulty with pragmatic skills. J2:13–14.
104. The IEE recommended ASD-based programming, including social skills groups and structured peer interaction supports, despite the Student not meeting IDEA autism criteria. J2:14.
105. The IEE recommended continuation of:
 - content-mastery curriculum
 - no homework
 - access to notes and calculator
 - substantial adult prompting for initiation and sustained task engagement
 - assistive technology
 - structured practice in self-advocacy and organizationJ2:14–15.
106. The IEE identified that the level of support the Student needs varies day to day and required a flexible, responsive educational team. J2:14.
107. The IEE recommended frequent breaks to address fatigue and cognitive overload due to the neurological condition. J2:15.
108. Evaluation found that the Student’s educational needs are highly dependent on external structure, direct adult support, and predictable synchronous formats. J2:13–15.
109. The IEE established that peer interaction is an educational need, not a preference, because it supports social communication deficits, emotional regulation, and anxiety reduction. J2:13–14.
110. The IEE concluded that the Student’s performance and emotional functioning worsen under stress, noise, or increased executive-function demands, factors exacerbated in asynchronous, self-paced programs. J2:12–14.

The Remainder of the Fall 2024 School Year

111. After Student was returned to synchronous remote virtual instruction, Student participated via Zoom with a 1:1 instructional assistant managing access, monitoring the technology, and facilitating communication between the Student and classroom teachers similar to the 2023-2024 school year. Tr. Vol. 1:191:20-22; 1:198:19-22.
112. Student’s Parent claimed student was either not admitted to a class or admitted late. P9:20; Tr. Vol. 2:83:16-85:14.
113. District used scaffolding with Student to prepare Student to work with new teachers and teaching assistance, including preparing student ahead of time for group work with peers when it occurred. Tr. Vol. 1:213:2-14, 1:214:5-15; 1:222:14-17.

114. Once every couple of weeks for about five minutes based on factors such as school schedules and students' attendance, Student meet with a peer partner during the study skills class. Tr. Vol. 1:221:11-222:20; Tr. Vol. 2:74:24-76:8.
115. District discussed club participation with Student. Tr. Vol. 1:213:15-17.
116. Student's Parent testified that the *** was invited to ARD meetings.
117. District had standing meetings on Fridays with Student's Parent to collaborate and coordinate services for Student. Tr. Vol. 1:144:7-14
118. The purpose of meetings with Student's Parent were to check in on how services were going. Tr. Vol. 1:144:25-145:5.
119. District also held pre-ARD meetings which were informal meetings with different service providers to provide proposals and get feedback from Student's Parent. Tr. Vol. 1:146:1-9.
120. District considered Student's Parent's input and attempted to come up with creative options such as administering assessments at Student's home outside. Tr. Vol. 1:148:1-14.
121. On December 17, 2024, the special education director via email informed Student's Parent that all communications regarding Student's services would go through either the special education director or assistant special education director. P9:27; Tr. Vol. 1:94:2-96:10.
122. The District has previously allowed Student's Parent to work directly with the teachers, case managers, and staff. Staff expressed frustrations so communications were centralized. Tr. Vol. 1:1-3, 12-15; Tr. Vol. 1:154:3-155:13.
123. The case manager specifically expressed that there was so much work to be done for Student that it should be a shared responsibility rather than hers alone. Tr. Vol. 1:217:16-218:21.
124. District made the communication plan to streamline communication and allowed teachers to focus on Student because the volume and frequency of communication had reached a level where such a plan was essential to maintain efficiency and clarity for the Student. Tr. Vol. 1:93-96, 155, 217-28.

January 15, 2025 ARD Meeting

125. The ARD Committee convened on January *** 2025, to review, discuss, and consider the results and recommendations of the August ***, 2024 IEE. J7:8.
126. The Student was *** old and a ***-grade student at *** at the time of this ARD meeting. J7:1.
127. District noted that the August 2024 IEE was exceptional. Tr. Vol. 1:219:20-221:10; Tr. Vol. 2:101:19-102:11; J7:9.
128. ARD Committee agreed to reconvene on March***, 2025. Tr. Vol. 1:108:23
129. The ARD committee confirmed that the Student continued to meet eligibility as a student with Other Health Impairment (OHI) based on a complex neurological condition. J7:3.
130. Participants in the January***, 2025 ARD included the Parent, Parent, LEA representative, special education teacher, general education teacher, school counselor, licensed specialist in school psychology (LSSP), campus administrator, 504 representative, and additional staff including the IEE evaluator. J7:8, 13-14.

131. The IEE evaluator provided input on her findings, which were the same as the recommendations in the evaluation. J7:8; Tr. Vol. 1:98:10-99:3.
132. The ARD deliberations included a summary of the IEE's recommendations addressing executive functioning, social anxiety, task initiation, sensory needs, fatigue, and learning supports. J7:9.
133. The ARD noted that the Student struggles with organizing information and completing tasks, especially when overwhelmed by extraneous information or noise. J7:9.
134. The IEE evaluator emphasized the need for chunking, stepwise tasks, structured routines, and support for pragmatic skills. J7:9.
135. The ARD documented that the Student is withdrawn, faces social anxiety, and avoids unfamiliar peers. J7:9.
136. The IEE evaluator recommended incorporating direct instruction on social skills and structured peer interaction opportunities within remote instruction. J7:9.
137. The IEE evaluator found that synchronous virtual learning is more appropriate for the Student than asynchronous programs. J7:9.
138. The minutes reflect that the District acknowledged the Student "is more engaged" in synchronous instruction delivered through Zoom. J7:9.
139. The District reported providing the Student with information about clubs and activities, including NHS, anime club, eSports, and the Student's interest in MTS Quest. J7:10; Tr. Vol. 1:101:21-103:2.
140. The District acknowledged the Student's anxiety about meeting peers and that Student prefers virtual or controlled settings. J7:10.
141. The District shared that the Student had opportunities for in-person peer connection, but transportation and health constraints limited participation. J7:10.
142. Parent stated concerns that the District had never provided adequate social opportunities despite repeated requests and despite ARDs recommendations. J7:15.
143. Parent stated that *** is not an ARD committee member and "should not have been invited." J7:15-16.
144. The ARD Committee agreed to reconvene and did so on March***, 2025, to address additional Parent's concerns. J7:11.
145. The District documented that ***is not a voting ARD member, but continues to receive information because current legal documents do not restrict Student access. J7:19.
146. The ARD document indicates that the committee did not reach mutual agreement on January***, 2025. The District provided the parent with a 10-day recess, which ended without reaching full agreement. The IEP was finalized following the expiration of the recess, and the District moved forward with the plan.

Implementation for Fall 2023-2024 and 2024-2025 School Year

147. District facilitated limited opportunities for peer interaction through Zoom during study skills and provided Student with a list of club options. J7:11; Tr. Vol. 1:103:3-105:16.
148. Student did not participate in any clubs due to non-interest or no openings. Tr. Vol. 2:108:7-110:6.

149. The District attempted to arrange a person-centered planning meeting only after October 2024, several weeks into the school year but Parent refused stating the same thing was being done with the special education teacher.
150. A transition planning had not been completed for the school year because Student had not completed a transition planning questionnaire. J7:11; Tr. Vol. 1:224:4-225:22.
151. Student had worked on a transition paragraph in the ***class. Tr. Vol. 1:238:5-239:21, 1:251:3-252:14.
152. According to the District, the transition goals were incorporated in the IEP goals as organizational skills and self-advocacy. Tr. Vol. 1:250:12-251:2.
153. Parent complained that there were no transition plan and goals.
154. The District developed a Compensatory Services Plan providing the Student 1:1 instructional services delivered by a certified special education teacher, 1 hour per day for 3 days, targeting post-*** transition skills, ***, and self-advocacy provided in June 2025 via Zoom. J7:20.
155. Parent refused the compensatory services. Tr. Vol. 2:110:7-111:8.
156. In July 2025, the District again offered Student services per the compensatory services plan or \$600 for private services, which Parent denied. P10:126; Tr. Vol. 1:123:23-126:16; J7:20.

Academic Status for the 2023-2024 and 2024-2025 School Years

157. During the 2023-2024 school year, the Student earned final grades of***. J15.
158. The Student earned a ***(Modified) in every grading period for 2023-2024. J15.
159. For the 2024-2025 school year***), the Student's Q3 report card reflects ***
160. *** grades reported on March 14, 2025 show consistent ***-level performance, including multiple ***% entries during the 2024-2025 school year. J17.
161. There is no evidence of failing grades, incomplete grades, or credit loss due to academic performance in any reporting period for either school year.

IEP Goal Report 2023-2024

162. For the Executive Functioning goal “***–Organizational System,” the Student made consistent progress, successfully meeting the expected weekly organization benchmarks in nearly all weeks across all four reporting periods in 2023-2024. J10.
163. By the final 2023-2024 reporting period, the Student independently organized papers and workspace 9 out of 9 weeks. J10.
164. For the *** Calendar/Planning goal, the Student achieved perfect accuracy in recording assessments, due dates, and study plans in all 9 of 9 weeks in the final reporting period. J10.
165. In self-advocacy goals across core subjects (English, ***, Math, and ***), the Student engaged in regular proactive communication, sometimes emailing teachers 35 times in one grading period. J10.
166. Multiple content-area teachers reported that the Student reliably requested needed accommodations, such as extended time, rescheduling quizzes, and seeking clarification on assignments. J10.

STAAR Data

- 167. The Student scored *** Grade Level on the Spring 2023 *** test. J14.
- 168. The Student achieved a *** Grade Level score in *** during the Fall 2023 administration. J14.
- 169. The available STAAR trend shows improvement from *** in *** within the same calendar year.

IEP Goal Report 2023-2024

- 170. In 2024-2025, the Student mastered the Time Management goal by completing all work earlier than required, ahead of extended-time accommodations. J11.
- 171. The Student also mastered the Organization goal, independently maintaining workspace organization and submitting weekly verification photos without prompts. J11.
- 172. The Student mastered multiple self-advocacy goals across ***, ***, meeting the requirement of initiating communication within *** of 9 (or more) opportunities. J11.
- 173. In Q1 of 2024–2025, the Student demonstrated increased competence in completing work on time, transitioning successfully from *** to teacher-directed coursework, and improving timeliness relative to the prior year. J12.
- 174. The Student required minimal prompting to self-advocate in the 10/15/24–12/20/24 reporting period, demonstrating 12 instances of independent advocacy in *** and consistent communication with teachers in *** and ***. J13.

Academic Progress

- 175. Across both school years, the Student maintained ***-level grades in all subjects, with evidence of mastery in coursework, indicating consistent academic performance.
- 176. For executive functioning, self-advocacy, and organization, all areas tied directly to academic functioning showed year-to-year improvement, shifting from “****” in Fall 2023 to *** mastered by Spring 2025.
- 177. Teachers across subjects consistently observed that the Student increased independence, needed fewer prompts, and demonstrated greater confidence and competence when requesting help or planning academic tasks.
- 178. In areas where STAAR data is available ***, the Student demonstrated measurable improvement from an*** score (Spring 2023) to *** performance (Fall 2023), supporting academic growth. J14.
- 179. The Student consistently turned in assignments, monitored deadlines, tracked assessments, and followed extended-time schedules, indicating strong academic reliability during both school years.
- 180. No data indicates academic regression in any content area during the 2023–2024 or 2024–2025 school years.

181. Based on the cumulative evidence from IEP progress reports, report cards, and STAAR results, the Student demonstrated significant and consistent academic progress from year to year, including:

- Mastery of executive functioning and time-management IEP goals,
- Strong*** academic performance,
- Improved state assessment performance where data exists,
- Increased independence and self-direction in academic tasks.

VI. Discussion

Petitioner asserts that the District unlawfully changed the Student's placement by replacing synchronous instruction with 1:1 support with an asynchronous model.

Petitioner argues this was done outside the ARD process and without consent, constituting a procedural violation and an improper unilateral placement change.

Petitioner also contends that the District did not implement necessary executive-functioning, organizational, and social-interaction supports during the 2023-2024 and 2024-2025 school year, and provided no meaningful, structured peer-interaction opportunities. As well, Petitioner contends that the District failed to consider an IEE, resulting in an IEP not reasonably calculated for progress. Moreover, Petitioner argues that the District did not develop measurable, age-appropriate transition goals, leaving the Student without compliant transition planning. Finally, Petitioner asserts that the District impeded meaningful parental participation by inviting the ***, to ARDs over Parent objection and by disregarding Parent communications regarding placement and meeting participation. Petitioner seeks findings of procedural and substantive IDEA violations, a denial of FAPE, and compensatory education.

A. Relevant Time Frame

A parent may file a due process complaint on any matter relating to the identification, evaluation, or educational placement of a child with a disability or the

provision of a FAPE within two years from the date the parent knew or should have known about the alleged action that forms the basis of the complaint. 20 U.S.C. § 1415(b)(6), (f)(3)(C); 34 C.F.R. § 300.507(a)(1), (2). Petitioner's Complaint was filed on April 16, 2025. Respondent asserted the two-year statute of limitations. Petitioner did not plead any exceptions to the two-year statute of limitations. Therefore, Petitioner was required to bring claims within two years of when Petitioner knew or should have known about the actions that form the basis of the complaint absent exceptions.

B. Burden of Proof

The burden of proof in a due process hearing is on the party challenging the Individualized Education Program (IEP) and/or placement. *Schaffer ex rel. Schaffer v. Weast*, 546 U.S. 49, 62 (2005); *Teague Ind. Sch. Dist. V. Tood L.*, 999 F.2d 127, 131 (5th Cir. 1993). There is no distinction between the burden of proof in an administrative hearing or in a judicial proceeding. *Richardson Indep. Sch. Dist. v. Michael Z.*, 580 F.3d 286, 292 n.4 (5th Cir. 2009). The Fifth Circuit noted that a presumption exists “in favor of a school systems’ education plan, placing the burden of proof on the party challenging it.” *White v. Ascension Parish Sch. Bd.*, 343 F.3d 373, 377 (5th Cir. 2003). The burden of proof is placed on the student to provide that the IEP at issue was not reasonably calculated to enable the student to make educational progress given the student’s unique, individual circumstances. The student challenging the plan must bear the burden to demonstrate by a preponderance of the evidence that the school district failed to provide FAPE or otherwise failed to comply with IDEA. *R.H. v. Plano Indep. Sch. Dist.*, 607 F.3d 1003, 1010-1011 (5th Cir. 2010).

C. Duty to Provide FAPE

The Individuals with Disabilities Education Act (IDEA) ensures that all children with disabilities have access to a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living. 20 U.S.C. § 1400(d). A school district has a duty to provide a FAPE to all eligible children with disabilities ages three through twenty-one residing within its jurisdiction. 34 C.F.R. § 300.101(a).

To satisfy its substantive obligation under the IDEA, a district must propose an IEP that is reasonably calculated to enable the student to make progress appropriate in light of the child's unique circumstances. The adequacy of a particular IEP necessarily turns on the individualized needs and circumstances of the student for whom it was developed. *Endrew F. v. Douglas Cnty. Sch. Dist.*, 580 U.S. 386 (2017).

The Fifth Circuit evaluates whether a district has provided a FAPE through a four-factor framework. *Cypress-Fairbanks Indep. Sch. Dist. v. Michael F.*, 118 F.3d 245, 253 (5th Cir. 1997). Under *Michael F.*, an IEP is appropriate when:

1. The program is individualized based on the student's assessment and performance;
2. The program is implemented in the least restrictive environment (LRE);
3. The services are provided in a coordinated and collaborative manner by the key stakeholders; and
4. Positive academic and non-academic benefits are demonstrated.

There is no requirement that these four factors are considered in any particular order or that any specific weight should be given to each. *Richardson Ind. Sch. Dist. v. Michael Z.*, 580 F. 3d 286, 293 (5th Cir. 2009).

Notably, procedural compliance is integral to providing FAPE, and serious procedural violations, particularly those that impede parental participation or educational

opportunity, can constitute a denial of FAPE. *Bd. of Educ. of Hendrick Hudson Cent. Sch. Dist. v. Rowley*, 458 U.S. 176, 206–07 (1982).

VII. Analysis

A. Whether the District denied the Student a free appropriate public education (FAPE) in 2023-2024 and 2024-2025 by failing to provide necessary support and services via executive functioning, self-advocacy, organization, and social opportunities.³

Petitioner’s claim that the IEP lacked robustness, specifically that:

1. Goals did not comprehensively address executive functioning and social communication needs;
2. Progress was occurring, but too slowly and without meaningful reduction in executive-functioning deficits;
3. Services were insufficient to meaningfully develop independence and social interaction.

Those concerns must be weighed against what the IEP actually contained, how measurable and targeted the goals were, and evidence of progress, not treating progress alone as determinative.

In determining whether the District provided the Student with a free appropriate public education during the 2023–2024 and 2024–2025 school years, the analysis does not hinge upon whether different programming might have produced greater or faster development, but whether the IEPs in place at the time they were developed were reasonably calculated to enable progress appropriate in light of the Student’s disability-related needs, consistent with *Endrew F.* and *Rowley*. The inquiry therefore requires examining whether the District identified the Student’s executive-functioning and organizational needs, wrote measurable goals aligned to those needs, and delivered services that produced more than minimal educational benefit. Under *Michael F.*,

³ The allegation regarding the unilateral change from synchronous to asynchronous between August 14 and September 3, 2024, is discussed separately Section VII.B.

progress made in response to such programming further informs whether the IEPs were individualized, collaborative, implemented appropriately, and resulted in academic and functional gain.

The evidence establishes that across both years, the District consistently recognized the Student's executive-functioning profile and developed goals targeting planning, organization, assignment tracking, work completion, and self-advocacy. For 2023–2024, the ARD Committee developed specific objectives requiring the Student to maintain an organized binder, use a digital or written planner to record assignments, manage deadlines, and initiate communication with teachers when clarification or support was needed. These goals were directly tied to the Student's present levels of performance and documented EF-related weaknesses. Over the course of the year, the Student demonstrated steadily increasing independence, mastering weekly organization checkpoints nine out of nine grading periods, accurately tracking assignments, and communicating proactively with teachers. Coursework was completed at an A-level across core content areas, which provides persuasive evidence that the programming was not merely adequate, but effective. Taken together, these outcomes show that the IEP for 2023–2024 was reasonably calculated to confer meaningful benefit in executive functioning, self-advocacy, and organization and was implemented successfully.

A similar pattern of measurable progress continues into the 2024–2025 year (excluding August 14th through September 3rd, when synchronous instruction was not yet active). Upon returning to synchronous instruction, the Student resumed time management routines, continued using a planning system to track academic requirements, and demonstrated independence in initiating communication with teachers when

questions arose. The District continued to deliver instruction through *** support, daily access to general education classes, and assignment management strategies consistent with prior needs. No regression occurred despite the transition between academic years, and progress monitoring during fall 2024 reflects ongoing mastery in task initiation, completion, and self-advocacy behaviors. The Student maintained ***-level academic performance, confirming that foundational executive-functioning supports remained effective and continued to yield benefit. Under *Michael F.*, this academic success is evidence of appropriate implementation (Factor Three) and positive functional outcome (Factor Four), while the alignment of goals to documented need demonstrates individualization (Factor One). The continuation of progress across both years supports the conclusion that, in these areas, the District delivered programming that was not only theoretically sound but functionally effective.

Accordingly, when considering both academic years, the District provided FAPE in the areas of executive functioning, organization, and self-advocacy. The goals were measurable, appropriately ambitious in light of the Student's neurocognitive profile, and successfully implemented, resulting in meaningful and documented progress well above trivial or de minimis advancement. Under *Endrew F.* and *Michael F.*, the evidence supports a finding that these components of the IEP were reasonably calculated to enable continued growth and were effective in practice.

The analysis shifts when addressing social communication and peer engagement. Multiple evaluations across multiple years document pragmatic-language weakness, anxiety around peer interaction, and difficulty initiating and sustaining reciprocal social exchanges. Under *Endrew F.*, an IEP must aim for growth in every disability-related area,

not only those in which a child is academically strong. In this case, the Student was served remotely through synchronous instruction, which allowed visual and auditory access to peers but limited peer-interaction.

The evidence shows that for the 2022-2023 school year the District informed the Student about the Best Buddy annual event and potential clubs, made efforts to pair the Student with receptive peers, and provided opportunities for small group interaction and class participation during synchronous classes, where the Student could speak and ask questions. However, the evidence reveals that the Student only attended Best Buddy once, clubs were restricted or closed, and the Student had no meaningful peer interaction during class. Similarly for the 2024-2025 school year, following September 3, 2024, the Student continued to participate in general education classes through synchronous virtual instruction, which maintained visual and auditory exposure to peers and real time access to class discussions; however, this access was limited by frequent technical issues and instances of late or denied admission to class. These facts reflect effort and are given meaningful weight in the analysis.

However, the analysis does not end at exposure, effort, or opportunity. *Endrew F.* requires that an IEP be designed to enable progress, not merely permit it. Measurable progress cannot be shown where no goals, skills, or behaviors are tracked. Even if social opportunities existed on a limited basis, the IEP contained no measurable pragmatic-language goals, no structured peer-practice system, and no progress monitoring framework. Without those components, the opportunities were not linked to instruction, repetition, scaffolding, or mastery criteria, which are necessary for growth in social-reciprocity functioning.

While there was some form of access, the question exists as to the extent the District took deliberate, instructional steps to promote peer interaction. Notably, no revised or added IEP goals addressed pragmatic-language skills, conversational turn-taking, anxiety-tolerant peer exchanges, or reciprocal interaction practice for either school year, and no structured intervention or progress-monitoring data exists reflecting measurable growth in these areas. Thus, while the Student continued to have occasional access to peers and the technical ability to participate verbally, the instructional design for social communication remained largely unchanged from the prior year, and the record does not demonstrate systematic intervention or monitored progress in pragmatic-language functioning or peer reciprocity.

Moreover, the evidence shows that *** is ordinarily a course designed to promote executive functioning, planning, transition readiness, and importantly peer interaction and collaborative skill-building in a small-group environment. In this case, however, the Student's *** class operated as a 1:1 setting due to medical restrictions and parent request. This modification substantially reduced the natural peer exposure *** typically provides. While the District complied with health constraints and was not required to place the Student in situations that jeopardized medical safety, the conversion of *** to 1:1 instruction eliminated what would otherwise have been a built-in peer-interaction component of the curriculum. Once *** became individualized, the District could not rely on the structure of the course itself to develop social skills. The shift from group-based *** to individualized *** heightened, not lowered, the District's responsibility to create measurable social-skills programming.

The District points to peer partnering attempts and enabling Student to ask questions and join discussions in synchronous classrooms. While the District made efforts to position the Student in virtual classrooms and explored pairing Student with compatible peers, these opportunities were inconsistent and lacked systematic instructional design. Again, these measures reflect effort. However, when viewed through the *Michael F.* factors, they do not operate as a substitute for what the Student's evaluation data required. Under Factor One (individualization), the IEP did not create social-skills goals in light of limited group social exposure. Notably, the progress data that exists for organization and advocacy does not appear for social communication because no structured goals or ongoing measurement existed in that area. A student with clinically significant social communication needs, particularly one served outside the physical classroom, requires more than the passive presence of peers. Notably, research-based intervention in pragmatic skills typically involves modeling, scaffolded interaction, structured turn-taking, and reinforcement. In the instant case, these were absent here. Under Factor Two (LRE), synchronous instruction granted visual proximity to peers but did not recreate the reciprocal practice required. Under Factor Three (coordination), communication occurred between staff and parent, but collaborative planning was geared toward access and scheduling rather than peer-based interaction. Most importantly, under Factor Four (benefit), there is no evidence of measurable progress in pragmatic-language functioning or peer reciprocity.

When medical limitations, health-risk mitigation, anxiety, and remote placement constraints are acknowledged, the District's efforts to provide peer access through Zoom, teacher-facilitated participation, and occasional partner opportunities are significant.

These factors demonstrate that the District did not ignore social needs entirely. The District's attempts at exposure, access, and intermittent interaction reflect good-faith initiative. Under *Michael F.*, this supports collaboration and good-faith implementation (Factor Three) and partially touches on least restrictive environment within medical safety (Factor Two). In other words, the District earns credit for attempting to maintain peer visibility and inclusion rather than isolating the Student academically. Under *Michael F.* individualization (Factor One), the plan did not address the Student's well-documented social-communication and anxiety barriers with targeted programming. Under benefit (Factor Four), the absence of progress data and inconsistent efforts suggest the Student did not make measurable gains in social communications.

In short, the Student was near peers but not being taught how to engage with them. Thus, even crediting all District efforts, the determinative fact remains that presence is not progress, and access is not instruction. The lack of measurable social-skills goals, absence of structured programming, and failure to produce or monitor progress outweigh the limited interaction opportunities provided. Considering the known profile of the Student and the documented social-pragmatic impairment, the IEP was not reasonably calculated to enable progress in peer interaction and social-skills development. Accordingly, the District did not provide FAPE in the area of social communication and peer engagement.

B. Whether the District denied the Student FAPE in 2024-2025 by changing the Student's placement from synchronous remote learning with 1:1 support to an asynchronous, self-directed model

In assessing whether the District denied the Student FAPE during the period between August 14, 2024 and September 3, 2024, the evidence demonstrates that the

District unilaterally shifted the Student from synchronous remote instruction with real-time teacher access and 1:1 support to an asynchronous, self-directed instructional format. This change occurred before the ARD Committee convened and without parental agreement or written consent, despite the longstanding instructional history reflecting that the Student required structured pacing, guided task initiation, frequent prompting, and immediate opportunities to seek clarification. Prior to the change, the Student participated in synchronous classes, accessed instruction directly from the teacher, and used *** support to manage assignments, stay organized, and remain engaged. The asynchronous model, by contrast, required the Student to independently retrieve assignments, self-pace through instructional material, initiate work without prompting, and complete tasks with delayed or minimal teacher interaction. These were tasks that directly overlapped with the Student's identified disability areas.

Under *Andrew F.*, an IEP must be designed to enable progress, not merely provide access to academic content. During this period, the program was not aligned with the Student's executive-functioning and organizational needs. Under the *Michael F.* factors, the unilateral shift weighs heavily against a finding of appropriateness. For individualization based on assessment and performance (Factor One), it was not met because the asynchronous format removed the very supports the Student required for success.

Placement in the least restrictive environment (Factor Two) was undermined, as the change reduced peer access, teacher connection, and immediate instructional feedback, functionally increasing the restrictiveness of the learning experience. Notably, the District committed a procedural violation of the IDEA by unilaterally changing the

Student's placement from synchronous instruction with 1:1 support to an asynchronous, self-paced model without convening an ARD meeting or obtaining parental consent. This violated the procedural safeguards designed to ensure parent participation and protect the integrity of the IEP process.

For coordination and collaboration (Factor Three), it was not met where the District made the change prior to ARD review and without parental participation or input. Finally, regarding academic and non-academic benefit (Factor Four), there is no documentation showing progress during the asynchronous period, and given the Student's disability profile, the program structure was not reasonably calculated to produce benefit.

Although the Student was later reinstated into synchronous instruction, restoring a format better aligned with Student educational needs, that corrective action did not undo the harm caused by the District's unilateral change in placement. The shift to an asynchronous platform had a clear and detrimental impact on the Student's emotional well-being and educational engagement.

The evidence shows that the change in placement contributed to the Student's emotional decline, including withdrawal from school, symptoms of depression, and a noticeable loss of previously strong motivation to learn. During observations in the *** asynchronous program, the Student failed to engage independently, despite a structured schedule developed with staff support. The Student reported feelings of unhappiness and frustration with the unfamiliar online platform and struggled significantly with time management and task initiation-skills essential for success in a self-paced environment. Moreover, the teacher confirmed that the asynchronous program offered no opportunities

for peer interaction under the current setup. Thus, for this limited time period, the instructional asynchronous model for general education classroom, by itself and without scaffolding, was not calculated to enable progress appropriate in light of the Student's circumstances and failed to reflect the individualized supports necessary for the Student to access the curriculum.

The procedural and substantive violations denied the Student FAPE.

C. Whether Respondent committed a procedural violation by failing to consider the results and recommendations of the August 2024 IEE in developing the student's IEP 2024-2025 (after changing back to synchronous)

Under the IDEA, when a parent obtains an Independent Educational Evaluation (IEE), the District is required to consider that evaluation if it meets agency criteria in any decision regarding the provision of FAPE. 34 C.F.R. § 300.502(c)(1). Additionally, the ARD committee must use "recent and relevant data" when developing or revising a student's IEP, and parents must be afforded a meaningful opportunity to participate in that process. 34 C.F.R. §§ 300.324(b)(1); 300.322; 300.501(b). The evidence shows that the August 27, 2024 IEE, containing updated findings on executive functioning, social-communication needs, anxiety, and recommendations for synchronous instruction, was completed prior to the August ***2024 ARD meeting. Despite its availability, the Committee did not review, discuss, or reference the IEE when drafting the 2024-2025 IEP following reinstatement of synchronous services. Instead, the District continued to rely on older assessments and did not convene a meeting to consider the IEE until January 15, 2025, nearly five months after its completion. Because the ARD committee did not consider the IEE at a time when it was relevant to educational planning, the

District acted inconsistently with IDEA procedural safeguards, and a procedural violation occurred.

A procedural error constitutes a denial of FAPE only if it (1) impeded the child's right to FAPE, (2) significantly impeded the parent's opportunity to participate in educational decision-making, or (3) caused a deprivation of educational benefit. 34 C.F.R. § 300.513(a)(2). In the instant case, although the District continued to provide synchronous instruction with executive-functioning and organizational supports previously proven effective, the failure to timely consider the IEE resulted in delayed integration of current data regarding the Student's social-communication needs and delayed discussion of recommendations for structured pragmatic-skills intervention. The parent was deprived of the opportunity to have that new information considered at the beginning of the school year, and the IEP continued without goals or services aligned to the IEE's social-skills recommendations for several months. As a result, the procedural violation significantly impeded parental participation and contributed to the lack of development of appropriate social-communication programming. Accordingly, the failure to timely consider the August 2024 IEE constitutes a procedural violation that resulted in a denial of FAPE in the area of social-communication, though not in the areas of executive functioning, organization, or self-advocacy where progress continued despite the delay.

D. Whether Respondent committed a procedural violation by failing to provide transition planning

Under the IDEA, transition planning is not optional; once a student turns *** the IEP must include measurable postsecondary goals based on age-appropriate transition assessment and must include transition services needed to assist the student in reaching

those goals. 34 C.F.R. § 300.320(b). A failure to develop, implement, or review transition planning constitutes a procedural violation when it deprives the student of required planning or prevents meaningful parental participation in post-secondary decision-making.

Based on the facts presented, a procedural violation occurred related to transition services under the Individuals with Disabilities Education Act (IDEA). Under 34 C.F.R. § 300.320(b), once a student turns ***, the IEP must include measurable postsecondary goals based on age-appropriate transition assessments and must identify the transition services necessary to assist the student in reaching those goals. The record reflects that, prior to the 2024-2025 school year, the District engaged in annual transition planning through student-completed questionnaires, parent input, and implementation of a *** course focused on executive functioning, ***, and self-advocacy. Transition planning goals were discussed in ARD meetings, including in August 2023, and the Student's interests, such as ***, were reflected in the IEP.

However, for the 2024–2025 school year, the Student did not complete the transition planning questionnaire, reportedly due to changes in the instructional platform and competing academic demands. The District's rationale for using *** was that it aligned with postsecondary expectations and addressed prior access issues in synchronous remote learning. Nonetheless, the failure to complete an updated, age-appropriate transition assessment during the current school year constitutes a procedural violation. This gap disrupted the pattern of annual planning and undermined the requirement that transition goals be based on current assessments of the Student's preferences, interests, and needs.

Despite this procedural failure, the record does not support a finding that the violation resulted in a denial of FAPE under 34 C.F.R. § 300.513(a)(2). The Student continued to receive instruction targeting transition-related skills, including self-advocacy and time management, and prior years' assessments remained part of the planning process. While the missed assessment limited updated input from the Student and family, the District maintained other avenues for parental participation and continued transition-focused services. Accordingly, although the failure to complete a transition assessment during the 2024-2025 school year is a procedural violation, it did not impede the Student's right to a FAPE, significantly impede the parents' opportunity to participate in decision-making, or result in a deprivation of educational benefit.

E. Whether Respondent committed a procedural violation by denying Student the ability to meaningfully participate in the IEP process

Under the IDEA, both the parent and the student, when appropriate, are entitled to meaningful participation in the IEP decision-making process. 20 U.S.C. § 1415(b)(1); 34 C.F.R. § 300.322; § 300.321(a)(7). The Student's Parent argues that parent participation was impeded when the District continued to invite the Parent to ARDs over parent objection, and parent further asserts that the Parent's presence discouraged the Student from attending meetings, thereby depriving Student of a voice in the process.

The record reflects that the Parent was invited to ARD meetings in August 2023, August 2024, and January 2025, and that the District proceeded with committee membership unchanged despite the Parent's repeated request that *** be excluded. However, the record also shows that the District possessed no legal documentation restricting the Parent's access or barring Student from participation. Notably, no evidence was presented that the Parent made decisions related to the Student. The record evidence

reveals that the Parent obtained information only, such as *** status. These facts weigh against finding a procedural violation solely on the basis of the Parent's presence. Even assuming arguendo, under § 300.513(a)(2), a procedural violation results in denial of FAPE only if it:

1. impeded the child's right to FAPE;
2. significantly impeded the parent's participation; or
3. caused a deprivation of educational benefit.

In the instant case, there is insufficient evidence that either the Parent or the Student was prevented from participating in ARDs or that decisions were made without their voice. The evidence shows that Student was invited to attend ARDs, attended the August ***, 2024 ARD, and participated in pre-ARD meetings. The Parent asserts that Student declined to attend because the *** was present. While this concern is plausible, the record lacks concrete documentation that Student requested to attend and was prevented, or that the District discouraged or denied participation. There is no evidence that Student attempted to speak during ARDs and was silenced, or that Student requested alternate formats, breakout sessions, or private consultation time. Without evidence that the Parent's presence actually limited Student's voice rather than simply making participation uncomfortable, the procedural threshold is not met.

There is substantial evidence showing that the Parent ***self was not impeded from participating. Parent attended ARDs, submitted input, contested placement, requested services, challenged asynchronous instruction, and demanded synchronous reinstatement. Multiple ARDs reconvened at parent request, and parent advocacy directly influenced educational programming. Moreover, the District consistently communicated with the Parent in Pre-ARD meetings and via email.

While the District's choice to include the *** over objection may have influenced family climate and may have contributed to the Student's reluctance to attend one ARD, the evidence does not establish that the Student's or Parent's participation was significantly impeded or that Student's absence resulted in a deprivation of educational benefit. Therefore, the facts do not rise to a procedural violation resulting in a denial of FAPE.

VIII. Conclusions of Law

1. The Student is a child with a disability entitled to the protections of the Individuals with Disabilities Education Act (IDEA). 20 U.S.C. § 1400 et seq.; 34 C.F.R. Part 300.
2. The District is required under the IDEA to provide the Student a free appropriate public education (FAPE) that includes special education and related services reasonably calculated to enable progress appropriate in light of the Student's unique circumstances. *Endrew F. v. Douglas Cnty. Sch. Dist.*, 580 U.S. 386 (2017); *Bd. of Educ. v. Rowley*, 458 U.S. 176 (1982).
3. In evaluating whether FAPE was provided, the hearing officer considers the four *Michael F.* factors: (1) individualization based on assessment and performance; (2) placement in the least restrictive environment; (3) coordination between the District and parents; and (4) academic and non-academic benefit. *Cypress-Fairbanks ISD v. Michael F.*, 118 F.3d 245 (5th Cir. 1997).
4. For the 2023-2024 school year, the District identified the Student's executive-functioning, organizational, and self-advocacy needs and developed measurable goals aligned to those needs; implemented services consistent with the IEP; and the Student demonstrated meaningful progress. Accordingly, the District provided FAPE in these areas during 2023-2024.
5. For the 2024-2025 school year (after reinstatement of synchronous instruction on September 3, 2024), the District continued to provide programming reasonably calculated to enable progress in executive functioning, organization, and self-advocacy. The Student continued to make documented progress. Accordingly, the District provided FAPE in these areas during 2024-2025.
6. The IDEA requires an IEP to address all areas of disability, including pragmatic language and social communication needs. 20 U.S.C. § 1414(d)(3)(A).
7. The District did not develop measurable goals, structured instruction, or progress-monitoring systems addressing the Student's social communication or peer-interaction needs during 2023-2024 or 2024-2025, despite documented deficits in these areas. The absence of such goals and services resulted in the IEP not being reasonably calculated to enable progress in social communication. *Endrew F.*, 580 U.S. at 402–03.

8. Because the Student made no measurable gains in social communication and because opportunities for peer interaction were not linked to structured instruction or monitored for progress, the District failed to provide FAPE in the area of social communication and peer engagement for both 2023-2024 and 2024-2025.
9. A change from synchronous instruction with 1:1 support to an asynchronous, self-directed learning model constitutes a change in placement requiring ARD committee review and parental participation. 34 C.F.R. §§ 300.116, 300.324, and 300.501.
10. The District unilaterally changed the Student's placement between August 14 and September 3, 2024, without convening an ARD meeting or obtaining parental consent, in violation of IDEA procedural requirements. 34 C.F.R. §§ 300.324, 300.503.
11. A procedural violation results in a denial of FAPE if it (1) impeded the child's right to FAPE, (2) significantly impeded the parent's participation, or (3) caused a deprivation of educational benefit. 34 C.F.R. § 300.513(a)(2).
12. The unilateral shift to an asynchronous platform removed essential supports for the Student's documented executive-functioning needs, reduced peer access, and resulted in emotional deterioration and disengagement; therefore, the procedural violation impeded the Student's right to FAPE and constitutes a denial of FAPE.
13. The District also committed a substantive violation during this period by implementing a program not reasonably calculated to enable progress given the Student's known disability-related needs. *Endrew F.*, 580 U.S. at 399.
14. When a parent obtains an Independent Educational Evaluation (IEE), the District must consider it if it meets agency criteria. 34 C.F.R. § 300.502(c)(1).
15. The District failed to timely consider the August 27, 2024 IEE at the August ***, 2024 ARD meeting or for several months thereafter, in violation of IDEA procedural requirements. 34 C.F.R. §§ 300.502(c), 300.324(b).
16. The failure to timely consider the August 2024 IEE significantly impeded parental participation and contributed to the ongoing absence of social communication services; therefore, this procedural violation resulted in a denial of FAPE in the area of social communication.
17. Once a student turns***, the IEP must include measurable postsecondary goals based on age-appropriate transition assessment and transition services. 34 C.F.R. § 300.320(b)
18. The District failed to complete an updated transition assessment for the 2024-2025 school year, constituting a procedural violation of IDEA transition planning requirements.
19. The transition planning violation did not impede the Student's right to FAPE, significantly impede parental participation, or deprive the Student of educational benefit, and therefore did not result in a denial of FAPE under 34 C.F.R. § 300.513(a)(2).
20. Under the IDEA, parents and students are entitled to meaningful participation in the IEP process. 20 U.S.C. § 1415(b); 34 C.F.R. §§ 300.322, 300.321(a)(7).

21. Inviting the *** to ARD meetings did not violate IDEA where the District had no legal documentation restricting *** involvement and no evidence established that *** participation impeded parental or Student participation as defined under 34 C.F.R. § 300.513(a)(2).
22. The evidence does not support a finding that the Student or Parent were significantly impeded in participating in the IEP process; therefore, no procedural violation resulting in a denial of FAPE occurred regarding ARD participation.
23. Based on the foregoing findings and conclusions, the District denied the Student FAPE in the areas of:
 - a. social communication and peer engagement (2023-2024 and 2024-2025);
 - b. instructional access and placement during the unilateral asynchronous period (August 14-September 3, 2024); and
 - c. timely integration of IEE findings relevant to social communication needs (August 2024 - January 2025).
24. The District provided FAPE in the areas of executive functioning, organization, and self-advocacy during both school years.

IX. Order

Based upon the foregoing findings of fact and conclusions of law, it is ordered that Petitioner's requests for relief are **GRANTED IN PART AND DENIED IN PART** as follows:

A. ARD Convening Requirement

The District shall convene an ARD Committee within 30 school days of this Order to develop a compensatory-education plan to remediate missed instruction (1) in pragmatic-language/social-communication/peer-interaction skills and (2) from live-virtual synchronous platform. The ARD Committee shall determine service delivery, providers, scheduling, and integration with the Student's current *** or community placement as appropriate.

1. Develop IEP with Goals

Develop an Individualized Education Program (IEP) with measurable goals tailored to address Student's identified needs based on findings and recommendations to address identified deficits in pragmatic-language/social communication/peer interaction skills including a Behavioral Intervention Plan (BIP), if applicable, related services such as counseling and other emotional and academic supports; and

Include the measurable August 2024 IEP goals for executive functioning, self-advocacy, organization, and transition skills for 13 school days.

2. Determination of Weekly Service Frequency

The ARD Committee shall determine a weekly service frequency for compensatory social-communication/pragmatic-language instruction based on:

- Professional norms for students with clinically significant pragmatic-language deficits;
- Recommendations contained in the August 2024 Independent Educational Evaluation (IEE); and
- The Student's existing performance data, rate of progress, and identified needs.

The weekly frequency shall reflect a level of intensity reasonably calculated to remediate two years of missed instruction in social-communication and reciprocal interaction skills.

For purposes of calculation, weekly frequency shall be tied to the Student's instructional day structure of 400 minutes/day (300 minutes general education; 100 minutes special education), unless mutually agreed otherwise or medically restricted.

Compensatory services shall be offered on a consecutive basis across both the regular school year and the extended school year (ESY). Where parent consent is necessary, parent must provide within five (5) days of request for consent.

3. Total Compensatory Hours Calculation

Total compensatory services shall be calculated in two distinct areas, as follows:

Area 1: Social-Communication / Pragmatic-Language Compensatory Services

Formula:

(Weekly service frequency determined by ARD (i.e., minimum 500 minutes per week) x (number of instructional weeks in a school year (i.e. 36 weeks)) x 2 years of missed FAPE

This calculation accounts for the District's failure to provide measurable goals, structured instruction, or progress monitoring in social communication across two consecutive school years.

If any portion of social communication instruction is reasonably determined to overlap with minutes awarded under Area 2, those minutes shall apply toward both areas, unless ARD documentation demonstrates otherwise.

Area 2: Supplement for Asynchronous Placement Period

To compensate for the instructional access lost during the District's unilateral placement of the Student into an asynchronous, self-directed instructional platform from August 14,

2024 through September 3, 2024, the District shall provide compensatory services calculated as follows:

13 instructional days x 300 minutes/day (general education instructional minutes denied)
= 3,900 minutes (minimum of 1500 minutes per week)

If the ARD Committee designates that any portion of these 3,900 minutes is appropriately delivered through social-communication intervention, those minutes shall also count toward Area 1, unless ARD documentation supports a different allocation.

4. Minimum Compensatory Service Floors

Unless the ARD Committee identifies a higher level of need or a data-based rationale for additional intensity, compensatory services shall not fall below the following minimum floors:

Area of Missed Need	Minimum Floor
Social-communication pragmatic-language instruction	500 minutes per week
Supplement for asynchronous placement period	1,500 minutes per week

5. Service Delivery Requirements

Compensatory services shall be delivered by appropriately certified or licensed personnel with expertise in pragmatic-language instruction, social-skills development, or **executive-function** supports, as applicable, by the District or a private provider.

Social communication services must include structured peer-practice or dyadic communication opportunities unless medically contraindicated or no student partners are available, in which case trained adult communication partners shall be used.

Services may be delivered in-person, virtually, or through a hybrid model, provided the modality supports meaningful progress in the targeted skill areas.

All compensatory programming shall include measurable objectives, progress monitoring, and documentation of attendance and mastery.

6. Duration and Completion

Compensatory services shall remain available until:

- All compensatory minutes owed in each Area have been fully delivered;
- The Student declines further services, in which case the District shall document both its offer and the Student's refusal; or
- Twenty-four (24) months have elapsed from the start date of compensatory service delivery, whichever occurs first.

B. Documentation Requirement

Following the ARD, the District shall produce a written plan specifying:

- Weekly frequency and justification for dosage,
- Total compensatory hours by service category,
- Provider(s) designated,
- Schedule for delivery, and
- Progress-monitoring criteria.

A completed plan must be provided to Parent within five (5) school days of the ARD.

C. Provider Option

To ensure timely and appropriate delivery:

1. Delivery Through a Private Provider

Compensatory services awarded in this Decision shall be delivered by the District, using appropriately certified or licensed personnel with expertise in the relevant areas of instruction. However, the District may, at its discretion, offer to deliver all or part of the compensatory services through a qualified private provider at District expense if doing so will facilitate timely implementation, ensure appropriate service intensity, or otherwise support the Student's access to the ordered remedy. Any private provider offered by the District must hold credentials appropriate to the service being delivered and must be capable of delivering structured, measurable instruction aligned to the compensatory areas identified in this Order. If the District elects to offer a private provider, the District shall arrange payment directly with the provider and shall not impose administrative conditions that delay access to services. Use of a private provider does not reduce or alter the total compensatory minutes owed under this Order.

2. Mutually Agreed Private Provider

The District and Parent may mutually agree to secure compensatory-education services through a qualified private provider. The District shall fund agreed-upon private delivery at the provider's standard rate, up to the total compensatory award.

3. Parent-Elected Private Provider if District Delays

If compensatory services do not begin within 90 days of this Order, or if the District does not identify an appropriate provider, the Parent may independently select a qualified private provider.

- The District shall fund the private provider directly, or
- Reimburse Parent within 30 calendar days of invoice submission.

D. Other Relief

All other relief not specifically stated herein is DENIED.

December 5, 2025

Patricia Hollis McGruder
Special Education Hearing Officer
For the State of Texas